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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

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18 UNITED STATES OF AMERICA,) NO. CR-17-491-RS
19 v.) STIPULATION AND [PROPOSED] ORDER
20 MARC HOWARD BERGER,) CONTINUING HEARING ON MOTION FOR A
21 Defendant.) NEW TRIAL AND SENTENCING
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19 A hearing on Mr. Berger's Motion for Judgment of Acquittal or, in the Alternative, a New Trial
20 ("Motion for a New Trial") (Dkt. No. 202) has been specially set for November 9, 2018 at 2:00 p.m.
21 Mr. Berger's sentencing hearing is scheduled for November 13, 2018 at 1:30 p.m. Both the defense and
22 the Probation office seek additional time in advance of the Final Pre-Sentence Report. The government
23 has agreed to accommodate the joint request.

24 Accordingly, the parties hereby agree and stipulate that:

- 25 1. The hearing on Defendant's Motion for a New Trial, currently specially set for November
26 9, 2018, will be continued to November 13, 2018 at 1:30 p.m.; and
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28 2. Mr. Berger's sentencing hearing, currently set for November 13, 2018 at 1:30 p.m., will

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1 be continued to December 14, 2018 at 10:00 a.m. The parties' sentencing memoranda must be filed by
2 December 7, 2018; replies, if any, are due December 11, 2018.
3 SO STIPULATED.

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5 Dated: October 25, 2018

/s/

MIRANDA KANE
Attorney for Defendant Marc H. Berger

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8 Dated: October 25, 2018

ALEX G. TSE (CABN 152348)
United States Attorney

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/s/
ROBERT S. LEACH
Assistant United States Attorney

/s/
LORI HENDRICKSON
Trial Attorney
U.S. Department of Justice, Tax Division

[PROPOSED] ORDER

For the foregoing reasons, and good cause appearing, the Court HEREBY ORDERS that the hearing on Defendant Marc. H. Berger's Motion for a New Trial is re-set for November 13, 2018 at 1:30 p.m. The Court further ORDERS that the sentencing hearing in this matter is continued until December 14, 2018 at 10:00 a.m. The parties' sentencing memoranda must be filed by December 7, 2018; replies, if any, are due December 11, 2018.

IT IS SO ORDERED.

Dated: 10/25/18



HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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